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January 13, 2006

TO: Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Art Unit 2652 - Examiner Evans, Jefferson A.

FROM: George O. Saile, Reg. No. 19,572
28 Davis Avenue
Poughkeepsie, N.Y. 12603

SUBJECT: Serial #: 10/718,372
File Date: 11/20/2003
Inventor: Jei-Wei Chang
Examiner: Evans, Jefferson A.
Art Unit: 2652
Title: Self-Alignment Scheme for Enhancement of CPP-GMR

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Restriction Requirement in the Office Action dated Dec. 14, 2005. In that office action, restriction was required to one of the following Inventions under

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents P.O. Box 1450, Alexandria, VA 22313-1450 on Jan. 13, 2006.

Signature 
Stephen B. Ackerman, Reg. No. 37,761

Date: Jan. 13, 2006

35 U.S.C. 121:

The inventions stated are:

I - Claims 1-15, drawn to Forming or Treating an Article Containing a Magnetically Responsive Material, classified in class 216, subclass 22, and

II - Claims 16-19, drawn to Electron Beam Imaging, classified in class 430, subclass 296.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group I - Claims 1-15, drawn to a process classified in Class 216, subclass 22. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction in the Office Action.

The Examiner states that Inventions I and II are related as combination and subcombination. However, upon reading the Invention II Claims against the Claims of Invention I, it can be seen that Invention II is drawn to "an electron-beam lithographic process", while Invention I is drawn to "a method of fabricating CPP GMR sensors". As such, the field of search must necessarily cover both the Group I class/subclass 216/22

and the Group II class/subclass 430/296, in addition to other related Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "the invention of Group I is akin to a combination method directed to the whole forming process of forming a CPP GMR sensor whereas the invention of Group II is akin to a subcombination directed to an electron beam lithographic process and could be utilized to form a product other than a CPP GMR, such as a memory array or a print head" is speculative and has nothing to do with the Claims as presented in this patent application.

Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of additional Patent Applications upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement, and allowance of the present Patent Application, is respectfully requested.

It is requested that should there be any problems with this response, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,



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